

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #:
DATE FILED: **MAY 01 2013**

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CECELIO CORDOVA, et al.,

Plaintiff(s),

-v-

ANTALIA TURKISH CUISINE, LLC,

Defendant(s).
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13-CV-1088 (KBF)

ORDER

KATHERINE B. FORREST, District Judge:

This action was brought under the FLSA and New York State labor laws. The Court has now been advised that the parties have filed a stipulation of voluntary dismissal, with prejudice.

The FLSA imposes an obligation to pay unpaid overtime compensation and an additional equal amount as liquidated damages. See 29 U.S.C. § 216(b). In the event that a settlement does not require full payment of that amount, it must be scrutinized by the Court to ensure that it is fair. See, e.g., Elliott v. Allstate Investigations, Inc., No. 07 Civ. 6078 (DLC), 2008 WL 728648 (S.D.N.Y. Mar. 19, 2008).

Accordingly, it is hereby ORDERED that the parties submit any proposed settlement agreement to the Court for its approval no later than May 10, 2013. The parties shall also on or before that date make submissions in support of their settlement, explaining why it should be approved based on the issues described in

Elliott. With regard to the FLSA claim, such submissions shall provide for any plaintiff (1) the amount of unpaid overtime compensation claimed on his or her FLSA claim; (2) the amount of the settlement consideration attributable to the FLSA claim; and (3) any weaknesses, strengths, uncertainties or other circumstances with regard to the FLSA claim, or its prosecution, that affected the corresponding portion of the settlement consideration. In addition, the submission shall (4) set forth the amount of any award of attorney's fees and the specific basis for that fee calculation (e.g., hourly rate, number of hours, and any contractual limitations on the fee award).

The initial pretrial conference scheduled for Thursday, May 2, 2013, is hereby adjourned.

SO ORDERED:

Dated: New York, New York
May 1, 2013



KATHERINE B. FORREST
United States District Judge